vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.572 OF 2006

Gundappa Devappa Chougule ... Appellant

V/s.

Shivaji Hindura Patil & Ors. ... Respondents

Mr.A.J. Chougule for Appellant
Mr.Umesh Mankapure for Respondent Nos.1 and 2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 13, 2007**

P.C.:

. The appellant claims that the appellate Court has erred in allowing the appeal and setting aside the decree passed in his favour by the trial Court. It is submitted that the suit land was on the northern side of the bund shown at A, B in the map produced by the Plaintiff. The encroachment by the defendant had occurred on this northern side and, therefore, the appellate Court was in error in coming to the conclusion that the evidence of the Surveyor established that the encroachment was on the northern side. No substantial question of law arises in this appeal, especially since the Surveyor who was examined before the trial Court has conceded that the defendant i.e., the Respondent herein has not encroached on the land of the plaintiff. Appeal dismissed.